

**July 29, 2010 Minutes of
Bigfork Land Use Advisory Committee
Bethany Lutheran Church**

Committee members present: John Bourquin, Gary Ridderhoff, Chuck Gough, Paul Guerrant, John Righetti, Peter Strelinger, Sue Hanson and 10 members of the public.

Chairman Guerrant called the meeting to order at 4: 00 pm.

The Agenda was adopted as presented (m/sc Gough/Ridderhoff) – unanimous.

Minutes of the June 24, 2010 meeting were approved as presented- unanimous. (m/sc Bourquin/Gough).

ADMINISTRATOR’S REPORT:

A. Sign-in Sheet: Reminder to the public of the availability of BLUAC minutes through email and BSC website bigforksteering.org/. Agendas are posted on the Flathead County Planning Office website flathead.mt.gov/

B. Application status: County status on previous pending applications: Caverly/Schraeder-County Commissioners – Commissioners approved the application on July 28, 2010

APPLICATIONS:

A. Whistling Andy, Inc. FCU-10-10: A request by Whistling Andy, Inc. for a Conditional Use Permit to operate a distillery and tasting room (tavern) within the Bigfork, B-2 (General Business) Zoning District. The property is located at 8541 MT Highway 35 in Bigfork and can legally be described as JH Horn Tract No. 2, Lot 1A in Section 36, Township 27 North, Range 20 West, P.M.M., Flathead County Montana.

Staff: Andrew Hagemeier presented the application. He described the application as a Tavern and the applicant will be regulated by the State for a distillery and tasting room. There will be internal improvements to accommodate the distillery equipment. Hours are regulated and will be from 10:00 a.m. to 8:00 p.m. He stated Bigfork Water and Sewer District has recommended the applicant connect to water service. State statutes limit a distillery within 630 feet of a church and the State will make the final determination concerning Bethany Lutheran Church located south of the property. He noted the following conditions:

1. The footprint of the existing building shall not be expanded.
2. The height of the building shall conform to the bulk and dimensional requirements within Section 3.17 FCZR.
3. A minimum of 14 parking spaces shall be maintained for the distillery and tasting room.
4. Any existing yard, parking, and security lighting shall be reconfigured to conform to Section 5.15 FCZR and all new yard, parking and security lighting shall conform to Section 5.15. FCZR.

Planner: DH 12

5. Any sign erected for the proposed use shall completely conform to Section 5.11 FCZR.
6. The applicant shall receive the appropriate liquor license from the State of Montana prior to operation. The liquor license shall be available upon request.
7. The applicant shall connect to the Bigfork Water and Sewer District for the water supply. The applicant shall not use the existing well for the proposed use.
8. All exhaust created by the distilling operation shall be vented from the roof in accordance with state regulations.
9. The hours of operation shall be 10 am to 8 pm Monday through Sunday.
10. There shall be no outdoor seating.

Applicant: Mike Marchetti stated the group has agreed to hook up to Bigfork Water service. It will be necessary to add a cupola to the height of the building to accommodate the 18' height for the distillery equipment. They would like to do something more attractive to the face of the building on Hwy 35.

Brian Anderson stated they would like to put a short roof overhang to shade the windows on the West (Hwy 35) side.

Mike Marchetti The sales of alcohol are the purpose and may feature cherry vodka and other flavors. We will use local products and hire locally.

BLUAC:

Guerrant: Will you need two cupolas? A. No Anderson presented a graphic of the proposed changes to the exterior of the structure. The posts for the overhang will not decrease parking availability.

Gough: Are you hooked up to sewer service? A. Yes.

Righetti: Will you replace all the signs on the building? A. Yes We will alter what exists and will move the mailboxes back to the east side of Hwy 35.

Lisa Cloutier: We plan to place a common mailbox area and landscape the small area (approx. 20' X 30'), which now just has grass.

Strelinger: Are you regulated by the State Licensing Agent? A. Yes. Our hours are limited by state regulations. (Hagemeier)- The County regulations recognize any business serving alcohol as a Tavern. Regulations for a tasting room are 2 oz. per person, per day.

Bourquin: Your lighting will be projected down? A. Yes

Bourquin asked Sue Hanson if there were any stormwater issues in this area. Hanson: The parking area on the east side of all of the structures in this area does not retain stormwater on the property. BSAC and the engineering firm, 48 North, are researching DEQ permits for installing pavement in this area to determine if it complies. The parking areas were installed at different times, so there are probably several permits. If the DEQ determines the owner did not comply they would take appropriate action. Bourquin: I'm concerned about the smell. Distilleries do have an unpleasant smell. A. We will have internal venting. Everything is captured and reused. We can contain up to 90% of the vapors. There will be a vent on the back of the cupola at a 20' height.

Bourquin: Can you filter that? A. Possibly.

PUBLIC COMMENT: None

Ridderhoff moved to recommend approval of the Conditional Use Permit with all conditions. Gough seconded the motion. Motion passed unanimously.

The application will be heard by the Flathead County Board of Adjustment, Flathead County Planning & Zoning Office, 1035 First Avenue West, Kalispell, on August 3, 2010, at 6:00 p.m.

B. Robert Krause FCU-10-09: A request for a Conditional Use Permit for an extractive industry to remove four to five inches of topsoil on property located within the Bigfork, SAG-10 (Suburban Agricultural) Zoning District. The proposed site is located at 320 Coverdell Road and can be legally described as Assessor's Tract 5 in Section 13, Township 27 North, Range 20 West, P.M.M., Flathead County, Montana.

Staff: Andrew Hagemeier reported the applicant would remove 4 to 5" of topsoil on 5 acres. Topsoil extraction falls under extraction industry regulations. The Road and Bridge department commented that the wheels of trucks leaving the property could cause some issues on Coverdell Road and would expect the applicant to keep that cleaned up.

Guerrant: Extraction here has been going on since 2005. What is the oversight to extractive industries? A. The DEQ does not have staff for full oversight. We depend on neighbors to complain. We can require they control dust on-site but there are limitations due to the size of the applicants well.

Applicant: Lois Krause stated they wanted to be in compliance of regulations and were doing the extraction to supplement their Social Security.

PUBLIC COMMENT: None

BLUAC:

Ridderhoff: This applicant has been extracting for 3 to 5 years now. Why are they just now asking for a Conditional Use Permit? It's frustrating to keep getting these "after the fact" applications. A. We didn't know the process. That's why they are here. Most of these do not come to the attention of the County.

Strelinger: Did Eslick get DEQ approval? A. Yes

Gough: These people ask for 4 to 5" and when you go look at it, they are down a foot. You can use 10,000 cu ft pretty fast. What is your intention? A. We are not going to the 12" level. We are also using this to level areas of the property. Some of the soil is very sandy.

Bourquin: I share Gary's frustration.

Righetti: Who took the photos in 2005? A. DEQ So they have known about this since then? A. Yes.

Righetti moved to recommend approval of the Conditional Use Permit. Strelinger seconded the motion. Motion passed 4-2 (Ridderhoff no, Gough abstain)

The application will be heard by the Flathead County Board of Adjustment, Flathead County Planning & Zoning Office, 1035 First Avenue West, Kalispell, on August 3, 2010, at 6:00 p.m.

OLD BUSINESS:

A. Status on new Sub-Committees per Neighborhood Plan: Craig Wagner reported the Bigfork Steering Committee was on hiatus until October. Guerrant asked of the sub-committees were given a timeline to complete their task. A. No

B. Sign Violation:

Hanson reported the owners of Echo Lake Marina were sent a certified notification on July 13, 2010. The letter has not been picked up as of this date. Hanson reported that two mailings were made prior to the wrong addressees but both called to say they did not own the Marina but thanked the committee for the “neighborly” notification and supported the effort. Committee directed Hanson to proceed with the violation process if the owners had not responded by August 13, 2010.

NEW BUSINESS: None

PUBLIC COMMENT:

Craig Wagner stated that the County Attorney was in the process of writing the legal position for the Board of Adjustment to cite for violations of Conditional Use Permits. The B of A has 7 applications for the August 3, 2010 meeting.

Paul Guerrant: Asked Andrew Hagemeyer if it would be possible to identify entities or persons contacted through the application process and attached to applications. A. Andrew thanked Paul for bring that to his attention and he will do so in the future as well as ask the other planners to do the same.

Meeting was adjourned at 5:00 p.m.

Sue Hanson
BLUAC Secretary